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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,064	12/27/2001	James M. Foley	03292.101170	3303
66569 7590 09/08/2008 FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER PYZOCHA, MICHAEL J				
ART UNIT 2137		PAPER NUMBER		
MAIL DATE 09/08/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/035,064

**Applicant(s)**

FOLEY ET AL.

**Examiner**

MICHAEL PYZOSHA

**Art Unit**

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 14-16 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14-16 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-7, 14-16, and 19-22 are pending.
2. Response filed 06/30/2008 has been received and considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 14-16, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahoo! (Archived Web pages from 08/16/2000) in view of Wood et al. (US 6892307).

As per claims 1, 5, 14-16, 19, and 21, Yahoo discloses enabling a user to select a method of authentication for access to the restricted service, wherein the restricted service requires a method of authentication in order to gain access to the restricted service (see page 1 choosing a username and password); registering the user-selected method of authentication which facilitates the user's ability for gaining access to the restricted service (see page 1); presenting the registered method of authentication as the method of authentication for access to the restricted service (see pages 1 and 3 the logging into the Yahoo account); wherein the user is enabled to select a different method of authentication for access to the restricted service without accessing the

restricted service (see pages 2 and 4 where the user can log in as normal, or go through the forgotten password to obtain a new password to log in or the user can sign in using a different username and password); wherein the registered method of authentication is presented as the method of authentication for subsequent attempts to gain access to the restricted service without requiring subsequent re-registration of the registered method, until such time as the user selects such different method of authentication (see page 3).

Yahoo fails to explicitly disclose enabling a user to select a method of authentication from a plurality of methods of authentication for access to the restricted service.

However, Wood et al. teaches enabling a user to select a method of authentication from a plurality of methods for access to a restricted service (see column 11 lines 30-51).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to allow a user of Yahoo to select one of a plurality of authentication methods for access to the restricted service.

Motivation to do so would have been to allow the user to select the suitable authentication scheme (see Wood et al. column 11 lines 30-38).

As per claims 2, 6, 20, and 22, the modified Yahoo and Wood et al. system discloses the method of authentication includes at least one of user identification and password; user identification and pass-phrase; smart card and PIN; smart card and digital certificate; biometrics; sound verification; radio frequency and password; infrared

and password; and handheld computing device and digital certificate (see Yahoo pages 1-4 and Wood et al. column 11 lines 30-51).

As per claims 3 and 7, the modified Yahoo and Hillhouse system discloses enabling the user to select more than one method of authentication for access to the restricted service (see Yahoo page 4 and Hillhouse column 7 lines 2-6).

As per claim 4, the modified Yahoo and Hillhouse system discloses the step of registering the user-selected method of authentication as a minimum level of security for authentication for the user (see Yahoo page 1).

The selected method of authentication is a minimum level of security for authentication because at least the selected method must be performed.

### ***Response to Arguments***

5. Applicant's arguments filed 06/30/2008 have been fully considered but they are not persuasive. Applicant argues that the combination of Yahoo and Wood fails to teach selecting a different method of authentication where a registered method is presented for subsequent attempts without requiring re-registration.

With respect to Applicant's argument Yahoo teaches multiple different ways of authenticating to the system. The first is to log in using the registered username and password (see Yahoo page 1). This is the registered way of authenticating to the system and is presented each time a user attempts to log into the system. However, the user is also allowed to access the system by either clicking on the "Password Request Form" link where a new password can be sent to an alternate email address or

can be displayed by authenticating oneself to the system by answering questions (see Yahoo page 2). Furthermore, the user can select a method of having the browser of the system remember the password where the user is automatically logged in by using a browser cookie and this method is used as the default and presented each time until the user signs out where the system reverts back to the normal log in page. Therefore, Yahoo teaches selecting a different method of authentication where a registered method is presented for subsequent attempts without requiring re-registration. Applicant further states that Yahoo cannot teach more than one "method of authentication" because Yahoo uses username and password and gives examples from the specification of different methods of authentication. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, "methods of authentication" are given their broadest reasonable interpretation as defined above with reference to Yahoo. Additionally, Wood teaches presenting a user with different authentication methods similar to those described in the specification and it would be obvious to one of ordinary skill in the art for the methods of authentication described in Yahoo to be the displayed methods of Wood in order to allow the user to select the suitable authentication scheme. Therefore, the combination of Yahoo and Wood teaches selecting a different method of authentication where a registered method is presented for subsequent attempts without requiring re-registration.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOSKA whose telephone number is (571)272-3875. The examiner can normally be reached on Monday-Thursday, 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. P./  
Examiner, Art Unit 2137

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2137